

## CITY OF DENTON CITY COUNCIL MINUTES

March 7, 2017

After determining that a quorum was present, the City Council convened in a Work Session on Tuesday, March 7, 2017 at 1:00 p.m. in the Council Work Session Room at City Hall.

PRESENT: Mayor Pro Tem Roden, Council Member Wazny, Council Member Briggs, Council Member Hawkins, Council Member Gregory, Council Member Bagheri, and Mayor Watts.

ABSENT: None.

### 1. Citizen Comments on Consent Agenda Items

Willie Hudspeth, 623 Newton, addressed the Council regarding Consent Agenda Items L, K, E, F, and G.

### 2. Requests for clarification of agenda items listed on the agenda for March 7, 2017.

Staff responded to Council's requests for clarification of the following items:

Council Member Briggs – pull Consent Agenda Items E and F for individual consideration.

Council Member Briggs – Consent Agenda Item K

Council Member Hawkins – Consent Agenda Item I

Mayor Pro Tem Roden – pull Consent Agenda Item Q for individual consideration

### 3. Work Session Reports

A. ID 17-231 Receive a report, hold a discussion, and give staff direction regarding the FY 2015-16 Comprehensive Annual Financial Report and annual audit.

Chuck Springer, Director of Finance, introduced Nicole Bradshaw with Tiller, Brown, and Hill who performed the City's external audit.

Bradshaw gave an overview of the firm's opinion letter for the CAFR and stated that the City was getting an unmodified opinion, which was the best opinion that a City could receive.

Mayor Pro Tem Roden asked if compliance with federal and state grant requirements were centralized or performed in departments.

Bradshaw responded that they were performed in individual departments.

Council Member Gregory asked if there were other types of opinions issued by the auditor.

Bradshaw responded that the auditors could also issue a modified opinion to note specific issues.

Council Member Briggs asked if any Audit Finance Committee members had comments on their meeting.

Bradshaw responded that the committee presentation went into more detail of the process and discussed a few minor policy and administration issues.

- B. ID 17-289 Receive a report, hold a discussion and give staff direction regarding the use of the Prescott Tract at US 380 and Virginia St., which is currently owned by Denton Municipal Electric.

John Cabrales, Director of Community Affairs, gave a report to the Council regarding property at US 380 and Virginia St, known as the Prescott property. Cabrales stated that staff had been reviewing options for a joint land use project for the property. Proposed uses of the property included (1) two acres for a fire station (#9) and a police district office; (2) a trailhead for a future Cooper Creek trail; and (3) a future rail station and parking for the Denton County Transportation Authority. In the near term, the project could include 350 shared parking spaces.

Council Member Briggs asked why DCTA would need 350 parking spaces.

Jim Cline with DCTA stated that the parking spaces proposed were on par with DCTA's other stations. He stated that the proposed spaces could help with the parking shortage at the Downtown Denton Transit Center.

Council Member Bagheri asked about the taxable value of the property in question.

Mayor Pro Tem Roden asked if DCTA was currently running shuttles for TWU.

Cline responded that they were not currently running shuttles, but they had been in conversations with the University to partner on shuttles.

Mayor Pro Tem Roden asked about future commuter bus service in Denton.

Cline responded that they had identified the US 380 corridor as an opportunity for commuter bus service, which could be served by a Park and Ride station at this property.

Mayor Pro Tem Roden asked if a new station would be a northern terminus for the A-Train.

Cline confirmed that it would be a northern terminus because of property issues at the Downtown Denton Transit Center, population trends in Denton County, and current ridership.

Mayor Pro Tem Roden asked about the route of the line.

Cline stated that they had been in conversation with the Union Pacific Railroad and DCTA would need approximately 50 feet of additional property to run the lines parallel along the Mingo corridor.

Council Member Wazny stated that the value of the property was in the land banking opportunity for police and fire services. She asked if the property was adequate for future needs.

Fire Chief Robin Paulsgrove stated that the land identified would be adequate; as an in-fill station, the footprint of the station would be smaller than the new stations under construction.

Council Member Wazny asked if the total parking would be 500 spaces.

Cline stated that the near term parking would be 350 spaces, and if the rail station was built 150 more would be added. The rail station would be built in a 10-year time frame.

Council Member Gregory asked to hear in the future more about the impact to Mingo Road if an additional 50 feet was needed for the rail line extension.

Council Member Bagheri asked if there had been any studies on the need for transit in the area in question.

Cline stated that they used the 2040 plan from the North Central Texas Council of Governments for ridership plans. They were looking at the northern terminus for the line to relieve parking congestion at the downtown station.

Council Member Bagheri asked how far the proposed location was from current fire stations.

Paulsgrove responded that the location was within 2.5 miles from the two nearest stations. He noted that the current location met the criteria for an infill station. He stated that the Fire Department would present information through the budget process about increases in call volume in this area and short-term efforts to meet increasing service demand through additional medic units.

Council Member Bagheri asked if the additional station would decrease response time based on the call demand; and where the demand was increasing.

Paulsgrove stated that they were seeing increases system-wide and in the southwest quadrant of the City, which were addressed with the additional medic unit. The greatest increase in the last year was in the southeast and northwest of Denton.

Council Member Bagheri asked for additional data to support a fire station in the particular location.

Council Member Briggs asked about the difference of an infill station.

Paulsgrove stated that an infill station came between existing stations with equipment to meet current call volumes instead of building the station for future growth and equipment needs.

Council Member Gregory asked if this station would provide backup for both the McKinney and Kings Row stations.

Paulsgrove stated that this station would address the call volume of both.

Mayor Watts asked if there would be an additional medic unit at Station Four.

Paulsgrove stated that the additional medic would be a request in the budget process.

Mayor Watts asked if medic calls were driving the response time.

Paulsgrove stated that medic units and an ambulance responded to medical calls, but that the department was implementing a new computer-aided dispatch system to help manage responses.

Mayor Watts asked for additional data for each proposed use identified for the property, and more information on what private developer had made an entity and what the offer was.

The Council directed staff to continue to move forward with the proposed uses for the property and to bring back more information and further discussion on each use.

- C. ID 17-298 Receive a report from staff regarding key financial information, an update on the Denton Energy Center project, and the status of the current Capital Improvement Program.

Phil Williams, General Manager of DME, gave a presentation on key financial information for DME, including the organizational structure, financial overview, capital improvement plan, the Denton Energy Center, debt, and rates.

Council Member Gregory asked questions of clarification regarding the TCRF and TCOS revenue lines.

Council Member Bagheri asked if the revenue from TCOS would be less if the City had not upgraded transmission lines.

Williams stated that if the City had not built the upgrades, another utility would have filed the costs and Denton customers would have paid the same or higher cost for the infrastructure.

Council Member Briggs asked about the relationship between base rates and revenues.

Mayor Watts asked if the Take or Pay component of TMPA was included in the purchased power and fuel costs.

Williams confirmed that it was.

Council Member Bagheri asked if the total cost were projected to go down over time.

Williams stated that the costs were projected to be lower than they would have been without the implementation of the Denton Energy Center.

Council Member Briggs asked questions of clarification about the percentage of costs associated with debt service and about the peak load for each substation.

Williams stated that the chart showed the percentage capacity for each substation, but not the total capacity.

Council Member Gregory asked why staff was focused on 50% capacity for each substation.

Williams stated that DME had done a study on load flow to improve system redundancy to maintain service in the event of equipment failure.

Council Member Wazny asked if the load flow study was required by the federal government in response to system failures in other regions of the country.

Williams stated correct.

Council Member Briggs asked how the City would get its share of TCOS revenue for maintenance on TMPA lines.

Williams stated that the TMPA TCOS revenues were shared among owner cities based on the ownership structure.

Council Member Briggs asked why the map label for the Jim Christal substation changed from Denton Energy Center to Jim Christal.

Williams stated that there was a distinction between a transmission and distribution project. Without the DEC project, the Jim Christal Station was scheduled in the future for upgrades. With the DEC project, the Jim Christal Station has been moved forward on the timeline and was planned to be bigger to accommodate the distribution.

Mayor Pro Tem Roden asked if the distribution and transmission CIP expenses were planned before the DEC was approved.

Williams stated that was correct.

Mayor Pro Tem Roden asked what drove the increase in the CIP for transmission lines.

Williams stated that the infrastructure replacement schedule increased since 2007 because the City was behind in both infrastructure replacement and planning for future growth.

Council Member Briggs asked why the DEC was not shown on earlier CIP planning forecasts.

Williams stated that DME looked at different options for generation but did not include it in the budget until it was approved by the Council.

Council Member Gregory asked if details on the specific costs for the projects were publicly available.

Williams stated that in order to get the best deal for the City, specific contract information for the engines and facility construction was confidential, at the request of the vendors.

Chuck Springer, Director of Finance, reviewed the DME debt for each fiscal year.

Mayor Watts asked about the components of the revenue side.

Springer stated that the principal was paid off every year and reviewed DME's percentage of debt pay off.

Council Member Briggs asked if the DEC could be done if the other upgrades were not done.

Williams stated that the PUC set the rates that could be charged for transmission. He presented the comparison of projected rates which included key assumptions of a 20 year debt service for the DEC, natural gas futures market (US Energy Information Administration), PPAs for Renewables (current and indicative pricing); and ERCOT Market Projections (heart rate and market volatility).

Mayor Watts stated that the whole point in having these conversations was to make sure that Council and the public understood how this was determined.

City Manager Hileman stated that this was a difficult issue to absorb and felt it was important to move forward. He was concerned about the over-simplification of the debt and needed to be careful not to over-simplify the issue.

- D. ID 17-324 Receive a report; hold a discussion, and give staff direction regarding the FY 2017-18 Budget Process.

Chuck Springer, Director of Finance, reviewed the revised city budget process for the FY 2017-18. The FY 2017-18 Budgetary Process would start with efforts to reduce inefficiencies, costs and duplication of services. The focus would be on cost containment strategies for all funds. Baseline budgets for all funds would be prepared and presented with an assumption of "no increase" in rates, fees or taxes. Staff recommended budgets would be based on cost containment efforts, goals for the upcoming fiscal year and beyond, and long-term financial plan. The Director of Finance would present all summary budget overviews to both Council and the Public Utilities Board with departmental staff presenting detailed information on rates, projections and capital plan. All presentations to PUB would be followed by the same to Council. Line item details and staffing levels will be given to PUB and Council in presentation materials.

Springer briefly reviewed the 2017-18 budget schedule.

Kenneth Banks, Director of Utilities, presented the volume forecasting for water and wastewater. He stated that this was something that had been done for the Public Utilities Board for many years. He stated that the volume forecasting was driven by growth in customers, usage, efficiency of appliances, irrigation systems, etc. which affected usage. The historical and projected peak day finished water production was reviewed and noted that annual rainfall was looked at as well as when the rainfall occurred.

Banks reviewed raw water rights and requirements with indirect reuse that affected the forecasts along with the wastewater volume forecasting. The Solid Waste volume forecasting, residential collection services refuse and recycling, and the commercial collection services front and side load service were also reviewed.

Williams reviewed volume forecasting data for annual electric residential customers; annual MWh sales for residential, commercial and industrial customers; and DME peak loads and trends.

Regular Meeting of the City of Denton City Council at 6:30 p.m. in the Council Chambers at City Hall.

**1. PLEDGE OF ALLEGIANCE**

The Council and members of the audience recited the Pledge of Allegiance to the U. S. and Texas flags.

**2. PROCLAMATIONS/PRESENTATIONS**

A. ID 17-285 National Pancake Day and Shriners Hospitals for Children Day in Denton

Mayor Watts presented the proclamation for Nation Pancake Day and Shriners Hospitals for Children Day in Denton.

B. ID 17-286 Poison Prevention Week

Mayor Watts presented the proclamation for Poison Prevention Week.

**3. PRESENTATION FROM MEMBERS OF THE PUBLIC**

A. Review of procedures for addressing the City Council.

B. Receive Scheduled Citizen Reports from Members of the Public.

1. ID 17-275 Bud Porter regarding ideas for helping to protect at-risk citizens.

Mr. Porter spoke regarding deportation and immigration procedures and what our Police Department's response regarding sensitive areas in the city would be.

2. ID 17-329 Brad French regarding small cell attachments.

Mr. French spoke regarding small cell attachments and moving forward in the city of Denton.

C. Additional Citizen Reports

Deb Armintor spoke regarding the meeting the Police Chief held regarding undocumented citizens in the City and suggested that the website have a section that provides some of the information for the public that the Chief had provided at that meeting.

Willie Hudspeth spoke regarding racism and asked why there was only one African-American fire fighter employed by the City of Denton.

**4. CONSENT AGENDA**

Mayor Pro Tem Roden motioned, Council Member Bagheri seconded to approve the Consent Agenda and accompanying ordinances and resolutions with the exception of Items E, F and Q. On

roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-073

- A. ID 17-072 Consider adoption of an ordinance of the City of Denton, Texas amending the schedule of fees contained in Ordinance 2009-188 by adopting a new Development Services Department review and Engineering review fee schedule as authorized by the Denton Development Code for the City of Denton, and by repealing any provisions in conflict therewith and authorizing a refund of certain fees.

Approved the minutes listed below.

- B. ID 17-172 Consider approval of the minutes of December 6, and December 13, 2016; and January 3, January 9, January 10, and January 24, 2017.

Ordinance No. 2017-074

- C. ID 17-194 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition of one (1) Peterbilt model 348 fuel truck for the City of Denton Fleet Department to be utilized by the Solid Waste and Recycling Department which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, such purchases are exempt from requirements of competitive bidding; and providing an effective date (File 6371-awarded to Rush Truck Center, Crane in the amount of \$251,025.21). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2017-075

- D. ID 17-223 Consider adoption of an ordinance of the City of Denton, Texas authorizing the City Manager to make application to the Texas Department of Housing and Community Affairs Emergency Solutions Grant Program and take all other actions necessary to obtain funding and implement the program; and providing for an effective date.

Ordinance No. 2017-078

- G. ID 17-256 Consider adoption of an ordinance authorizing the City Manager to execute a professional services agreement for engineering services associated with the City of Denton Water Distribution System Master Plan; providing for the expenditure of funds therefor; and providing an effective date (File 6388-awarded to Freese and Nichols, Inc. in an amount not-to-exceed \$213,300). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2017-079

- H. ID 17-280 Consider adoption of an ordinance of the City of Denton, Texas authorizing the approval of a first amendment to a contract between the City of Denton and Environmental Systems Research Institute, Inc. (ESRI) for the ESRI Small Enterprise License Agreement for the ArcGIS software suite licenses for an additional three (3) year period, extending the contract approved City Council on

March 4, 2014, in the amount of \$75,000; providing for the expenditure of funds therefor; and providing an effective date (File 5466-providing for an additional expenditure amount not-to-exceed \$78,000, with the total contract amount not-to-exceed \$153,000).

Ordinance No. 2017-080

- I. ID 17-281 Consider adoption of an ordinance accepting competitive proposals and awarding a three (3) year agreement for Collection Services for Utilities (Part A), and Fire/EMS and Miscellaneous Receivables (Part B) by and between the City of Denton, Texas and Credit Systems International, Inc.; providing for the expenditure of funds therefor; and providing an effective date (RFP 6133 Parts A and B-awarded to Credit Systems International, Inc. in the not-to-exceed amount of \$243,817). The Public Utilities Board recommends approval (7-0).

Ordinance No. 2017-081

- J. ID 17-282 Consider adoption of an ordinance accepting competitive proposals and awarding a three (3) year agreement for Collection Services for Municipal Court Fines (Part C), by and between the City of Denton, Texas and Linebarger, Goggan, Blair, and Sampson, LLP; providing for the expenditure of funds therefor; and providing an effective date (RFP 6133 Part C-awarded to Linebarger, Goggan, Blair, and Sampson, LLP in an amount which is contingent upon its monetary recoveries from persons, in accordance with the percentages expressed in attached contract).

Ordinance No. 2017-082

- K. ID 17-283 Consider adoption of an ordinance accepting competitive bids and awarding a public works contract for the repair of the north bound lanes of Colorado Boulevard from Mayhill Road to Loop 288; providing for the expenditure of funds therefor; and providing an effective date (RFP 5241-awarded to Floyd Smith Concrete, Inc., in the not-to-exceed amount of \$616,013.46).

Ordinance No. 2017-083

- L. ID 17-284 Consider adoption of an ordinance accepting competitive proposals and awarding a contract for the purchase of electric fault circuit indicators for Denton Municipal Electric to be stocked in the City of Denton Distribution Center; providing for the expenditure of funds therefor; and providing an effective date (RFP 6327-awarded to Anixter Inc. in the amount of \$225,000 and Techline, Inc. in the amount of \$55,000 for a three (3) year total not-to-exceed of \$280,000).

Ordinance No. 2017-084

- M. ID 17-287 Consider adoption of an ordinance releasing, abandoning and vacating a 2.249 acre public drainage easement granted to the City of Denton, Texas, by Teasley Commons, Ltd. on August 5, 2004 and recorded as Instrument No. 2004-111117, Real Property Records, Denton County, Texas, situated in the C. Poulallier Survey, Abstract No. 1006, Denton County, Texas, and located within the 3200 block of Teasley Lane. [Minor Plat, Teasley Commons, Lots 5 & 6 Block A]

Ordinance No. 2017-085

- N. ID 17-293 Consider adoption of an ordinance accepting competitive proposals and awarding a public works contract for the construction of the Middle Road Entrance to the City of Denton ECO-W.E.R.C.S. facility to be located on South Mayhill Road; providing for the expenditure of funds therefor; and providing an effective date (RFP 6218C-awarded to Jagoe-Public Company in the not-to-exceed amount of \$1,477,571). The Public Utilities Board recommends approval (6-0).

Ordinance No. 2017-086

- O. ID 17-294 Consider adoption of an ordinance of the City of Denton, a Texas home rule municipal corporation ("City"), approving the exchange of a 4.936 acre tract owned by the City located in the David Hough Survey, Abstract, No. 646, Denton, Denton County, Texas ("City Property"), to Kevin Nelms and Richard Greb and wife, Nancy Greb ("Nelms-Greb), for a 3.457 acre tract owned by Nelms-Greb, also located in the David Hough Survey (Nelms-Greb Property), both tracts having comparable values of \$537,530 (City Property) and \$527,054 (Nelms-Greb Property); authorizing the City Manager in accordance with Texas Local Government Code § 272.001(b)(3) to execute a real estate exchange agreement with Nelms-Greb together with any other documents necessary to exchange the City Property for Nelms-Greb Property; and, providing an effective date. [Mayhill Road Widening - Nelms/Greb Parcel M137\_M138 disposition]

Ordinance No. 2017-087

- P. ID 17-331 Consider adoption of an ordinance releasing, abandoning and vacating 0.037 acre and 0.159 acre of drainage easement granted to the City of Denton, Texas by Kevin Nelms, Richard Greb and wife, Nancy Greb recorded as Instrument No. 2014-26437, Real Property Records, Denton County, Texas, situated in the David Hough Survey, Abstract No. 646, Denton County, Texas, and generally located within the 2100 Block of South Mayhill Road; and declaring an effective date. [Mayhill Road Widening - Nelms/Greb Parcel M137\_M138 disposition]

Council considered the Consent Agenda items pulled for separate consideration.

Ordinance No. 2017-076

- E. ID 17-239 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$36,610,000 in principal amount of Certificates of Obligation of the City of Denton for General Government and Solid Waste projects; and providing for an effective date.

Chuck Springer, Director of Finance, stated that there were General Government and Solid Waste projects covered by the Certificates of Obligation.

Willie Hudspeth spoke regarding this item.

Council Member Gregory motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member

Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

Ordinance No. 2017-077

- F. ID 17-240 Consider adoption of an ordinance directing the publication of Notice of Intention to issue \$71,640,000 in principal amount of Certificates of Obligation of the City of Denton for Waterworks and Sewer System and Electric System projects; and providing for an effective date.

Chuck Springer, Director of Finance, stated that this notice of intent was for Wastewater and Electric projects.

Council Member Bagheri motioned, Mayor Pro Tem Roden seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried.

Resolution No. R2017-007

- Q. ID 17-306 Consider approval of a resolution creating an ad hoc City Council Committee and appointing Committee members to review policies related to employee sick leave and vacation benefits in the City of Denton, Texas and to advise the City Council with regard to these matters; and providing an effective date.

Willie Hudspeth spoke regarding the ad hoc committee appointments and felt that they should be handled like the Charter Review Committee.

Council Member Bagheri motioned, Council Member Briggs seconded to approve the resolution. On roll call vote, Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Mayor Pro Tem Roden "nay". Motion carried with a 6-1 vote.

**5. ITEMS FOR INDIVIDUAL CONSIDERATION - CONSIDERATION OF THE USE OF EMINENT DOMAIN TO CONDEMN REAL PROPERTY INTERESTS**

Ordinance No. 2017-088

- A. ID 17-330 Consider adoption of an ordinance of the City of Denton determining the public use, need, and necessity for the acquisition of a public water line easement encumbering a 0.148 acre tract of real property, as more particularly described in Exhibit "A", attached hereto and made a part hereof (the "Property Interests"), being generally located along the 3000 block of South Interstate Highway 35 East and situated in the D. Lombard Survey, Abstract No. 784, City and County of Denton, Texas; authorizing the City Manager and City Attorney, or their respective designees, to acquire the Property Interests by agreement including making all offers required by law; authorizing the use of the power of eminent domain to condemn the Property Interests if an agreement cannot be reached; and authorizing the City Attorney, or his designee, to file eminent domain proceedings if necessary; authorizing the expenditure of funding; makings findings; providing a savings clause; and providing

an effective date. (TxDOT I-35 E Grade Separation Project - water utility relocation component)

Paul Williamson, Real Estate Manager, reviewed the eminent domain request. The property was needed for a public water line easement necessary for the I-35 widening. He displayed the property details on the overhead screen as the motion was being made.

Willie Hudspeth, spoke regarding the item.

Council Member Hawkins motioned "I move that the City of Denton, after having made the offers required by State Law, use the power of eminent domain, if needed, to acquire easement interests to a 0.148 acre tract of land, which is located in the D. Lombard Survey, Abstract No. 784, City of Denton, Denton County, Texas, and described in Exhibits "A" and "B" now being displayed on the overhead screen and in the ordinance under consideration, which is for a valid public use, necessary to provide the installation and relocation of municipal water utilities, to serve the public and citizens of the City". Council Member Bagheri seconded the motion.

On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

## **6. ITEMS FOR INDIVIDUAL CONSIDERATION**

### Ordinance No. 2017-089

- A. ID 17-278 Consider adoption of an ordinance of the City of Denton authorizing the City Manager or his designee to execute a contract for the acquisition and installation of a Supervisory Control and Data Acquisition (SCADA) hardware and software system for Denton Municipal Electric (DME) Denton Energy Center (DEC) which is available from only one source and in accordance with Chapter 252.022 of the Texas Local Government Code, such purchases are exempt from requirements of competitive bidding; and providing an effective date (File 4074-awarded to Open Systems International, Inc. (OSI) in the not-to-exceed amount of \$446,331.80). The Public Utilities Board recommends approval (7-0).

Melissa Kraft, Chief Technology Officer, stated that the SCADA system would be used for with the Denton Energy Center. She reviewed what the SCADA system was, what it was used for, vendor information, next steps and staff recommendation.

Council discussed the sole source component of the purchase.

Deb Armintor spoke regarding this item and that expenses like this should be added to the final cost of the Denton Energy Center.

Willie Hudspeth spoke regarding this item and whether minority involvement was considered during this process.

Council Member Gregory motioned, Council Member Hawkins seconded to adopt the ordinance. On roll call vote, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Council Member Briggs "nay". Motion carried with a 6-1 vote.

- B. ID 17-291 Consider a request for an exception to Section 17-20 (d) of the Noise Ordinance for the purpose of hosting the Ashes 420 Festival, a music festival hosted by Ashes Smoke Shop. The event will be held in the parking lot at 420 S. Carroll Blvd., on Thursday, April 20, 2017, from 11 a.m. to midnight. An exception is specifically requested to increase sound levels from 70 to 75 decibels, and for an extension of hours from 10 p.m. to midnight.

Christine Taylor, Parks and Recreation Department, reviewed the details of the request from Ashes Smoke Shop. She stated that after consulting with the Police Department and noting the proximity of the location to single family and multi-family residences, staff did not recommend approval of the request.

Council discussed the prior event and associated complaints, that the event could occur even without the exception, and the time frame requested for the exception.

Council Member Gregory motioned, Mayor Pro Tem Roden seconded to deny the request. On roll call vote to deny the request, Mayor Pro Tem Roden "aye", Council Member Wazny "aye", Council Member Briggs "aye", Council Member Hawkins "aye", Council Member Gregory "aye", Council Member Bagheri "aye", and Mayor Watts "aye". Motion carried unanimously.

## **7. PUBLIC HEARINGS**

- A. A16-0004a Hold the first of two public hearings for annexation of an approximately 4.7 acres of land, generally located north of Ryan Road, west of FM 2181 (Teasley Lane) and Lake Forest Good Samaritan Village, and east of Country Club Road by the City of Denton, Texas.

The Mayor opened the public hearing.

Ron Menguita, Long Range Planning Administrator, stated that this was the first public hearing for the annexation. This was the first of two public hearings for the annexation. He presented the proposed schedule for the annexation.

Janice Heidelberger questioned the use of the property.

The Mayor closed the public hearing.

Menguita was currently a single family development and that the owner had not indicated any immediate proposals for the property.

There was no action by Council required on this item at this time.

**8. CONCLUDING ITEMS**

- A. Under Section 551.042 of the Texas Open Meetings Act, respond to inquiries from the City Council or the public with specific factual information or recitation of policy, or accept a proposal to place the matter on the agenda for an upcoming meeting AND Under Section 551.0415 of the Texas Open Meetings Act, provide reports about items of community interest regarding which no action will be taken, to include: expressions of thanks, congratulations, or condolence; information regarding holiday schedules; an honorary or salutary recognition of a public official, public employee, or other citizen; a reminder about an upcoming event organized or sponsored by the governing body; information regarding a social, ceremonial, or community event organized or sponsored by an entity other than the governing body that was attended or is scheduled to be attended by a member of the governing body or an official or employee of the municipality; or an announcement involving an imminent threat to the public health and safety of people in the municipality that has arisen after the posting of the agenda.

Council Member Wazny requested a staff report regarding the caseload and responsibilities of the attorneys in City Attorney's Office.

Mayor Pro Tem Roden requested a Work Session regarding the digital divide.

Council Member Bagheri requested a briefing from the outside attorney regarding a new ethics ordinance.

Council Member Briggs requested information on how the wastewater charge was calculated per customer.

Council Member Briggs asked that staff inspect the Bucee's construction site for more natural springs than anticipated and that the pond was being filled in.

Council Member Briggs requested that the Chief's town hall meeting on immigration be posted on the website.

Council Member Briggs requested that Mr. Hudspeth be provided an update and staff report on Fire and Police staffing.

Mayor Watts requested a report on the refunding of revenue bonds and what was the Council direction was those.

Mayor Watts requested a report on the restrooms at Fred Moore Park.

- B. Possible Continuation of Closed Meeting topics, above posted.

There was no continuation of the Closed Meeting.

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With no further business, the meeting adjourned at 7:40 pm

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CHRIS WATTS  
MAYOR  
CITY OF DENTON, TEXAS

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JANE RICHARDSON  
CITY SECRETARY  
CITY OF DENTON, TEXAS